

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Clair L. Dumond
Brenda L. Dumond
Debtor(s)

Bankruptcy Case No.: 18-10412-TPA
Per May 7, 2019 Proceeding
Chapter: 13
Docket No.: 72 – 23, 33, 36, 59, 65
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 14, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,955.00 as of May 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if fees (including retainer) exceed \$4,000.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

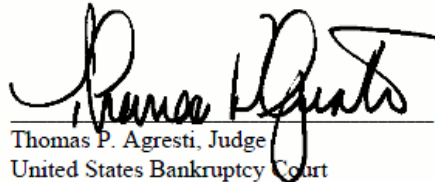
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: May 9, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Clair L. Dumond
 Brenda L. Dumond
 Debtors

Case No. 18-10412-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 31

Date Rcvd: May 09, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 11, 2019.

db/jdb +Clair L. Dumond, Brenda L. Dumond, 103 Parker St., Oil City, PA 16301-3409
 14823886 +Auto Divide, Inc., 3920 State Rt. 257, Seneca, PA 16346-3440
 14852972 +Beneficial Consumer Discount Company, 1421 W. Shure Drive, Arlington Heights, IL 60004-7818
 14823893 ++++DITECH FINANCIAL LLC, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311
 (address filed with court: Ditech Financial LLC, 332 Minnesota St Ste 610, Saint Paul, MN 55101)
 14823890 +Debt Rec Sol, 6800 Jericho Turnpike, Syosset, NY 11791-4436
 14823892 +Deville Asset Manageme, P.O. Box 1987, Colleyville, TX 76034-1987
 14873939 Directv, LLC, by American InfoSource LP as agent, PO Box 5008, Carol Stream, IL 60197-5008
 14852973 +First National Bank of Pennsylvania, 4140 East State Street, Hermitage, PA 16148-3401
 14823897 +Santander Consumer Usa, Po Box 961245, Ft Worth, TX 76161-0244
 14869100 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 14869019 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 14927286 US Department of Education, PO Box 16448, St. Paul, MN 55116-0448
 14852975 +Venango County Tax Claim Bureau, P.O. Box 831, Franklin, PA 16323-0831

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/Text: bankruptcy.bnc@ditech.com May 10 2019 02:30:49 Ditech Financial LLC,
 PO Box 0049, Palatine, IL 60055-0001
 14823887 +E-mail/Text: matthartweg@cbjcredit.com May 10 2019 02:32:14 Cbj Credit Recovery,
 117 W 4th St, Jamestown, NY 14701-5005
 14823888 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM May 10 2019 02:30:57 Comenitybk/bonton,
 Po Box 182789, Columbus, OH 43218-2789
 14823889 +E-mail/Text: bankruptcy@consumerportfolio.com May 10 2019 02:31:41 Consumer Portfolio Svc,
 Po Box 57071, Irvine, CA 92619-7071
 14823891 +E-mail/Text: electronicbkdocs@nelnet.net May 10 2019 02:31:35 Dept Of Education/neln,
 3015 Parker Rd, Aurora, CO 80014-2904
 14972076 E-mail/Text: JCAP_BNC_Notices@jcap.com May 10 2019 02:31:44 JEFFERSON CAPITAL SYSTEMS LLC,
 PO Box 7999, St Cloud MN 56302
 14877064 E-mail/PDF: resurgentbknofifications@resurgent.com May 10 2019 02:42:30
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14823894 +E-mail/PDF: resurgentbknofifications@resurgent.com May 10 2019 02:42:28 Lvnv Funding LLC,
 Po Box 1269, Greenville, SC 29602-1269
 14859860 E-mail/PDF: cbp@onemainfinancial.com May 10 2019 02:42:09 ONEMAIN, P.O. BOX 3251,
 EVANSVILLE, IN 47731-3251
 14823895 +E-mail/PDF: cbp@onemainfinancial.com May 10 2019 02:42:09 Onemain, Po Box 1010,
 Evansville, IN 47706-1010
 14870557 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 10 2019 02:43:00
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14824561 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 10 2019 02:42:20
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14823896 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 10 2019 02:42:20
 Portfolio Recov Assoc, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952
 14872509 E-mail/Text: bnc-quantum@quantum3group.com May 10 2019 02:31:05
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14823898 E-mail/PDF: cbp@onemainfinancial.com May 10 2019 02:43:40 Springleaf Financial S,
 18947 Park Avenue Plz #, Meadville, PA 16335
 14868041 E-mail/Text: bankruptcy.bnc@ditech.com May 10 2019 02:30:49
 U.S. Bank, N.A. as Trustee for Manufactured Housin, c/o Ditech Financial LLC,
 P.O. Box 6154, Rapid City, SD 57709-6154
 14852974 E-mail/Text: BankruptcyNotice@upmc.edu May 10 2019 02:32:03 UPMC, 200 Lothrop Street,
 Pittsburgh, PA 15213-2582
 14873157 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 10 2019 02:44:09 Verizon,
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 TOTAL: 18

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Ditech Financial LLC as servicer for U.S. BANK, N.
 cr* ++JEFFERSON CAPITAL SYSTEMS LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999
 (address filed with court: Jefferson Capital Systems, PO Box 7999,
 St Cloud, MN 56302-9617)
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

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District/off: 0315-1

User: jmar
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Page 2 of 2
Total Noticed: 31

Date Rcvd: May 09, 2019

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 11, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 9, 2019 at the address(es) listed below:

Glenn R. Bartifay on behalf of Debtor Clair L. Dumond gbartifay@bartifaylaw.com,
sfallat@bartifaylaw.com;gbartifay@yahoo.com;lkarageorgiou@bartifaylaw.com
Glenn R. Bartifay on behalf of Joint Debtor Brenda L. Dumond gbartifay@bartifaylaw.com,
sfallat@bartifaylaw.com;gbartifay@yahoo.com;lkarageorgiou@bartifaylaw.com
Glenn R. Bartifay on behalf of Plaintiff Brenda L. Dumond gbartifay@bartifaylaw.com,
sfallat@bartifaylaw.com;gbartifay@yahoo.com;lkarageorgiou@bartifaylaw.com
Glenn R. Bartifay on behalf of Plaintiff Clair L. Dumond gbartifay@bartifaylaw.com,
sfallat@bartifaylaw.com;gbartifay@yahoo.com;lkarageorgiou@bartifaylaw.com
James Warmbrodt on behalf of Creditor Ditech Financial LLC as servicer for U.S. BANK, N.A.
AS TRUSTEE FOR MANUFACTURED HOUSING CONTRACT SENIOR/SUBORDINATE PASS-THROUGH CERTIFICATE TRUST
2000-6 bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7